

# PPSReview

Product & Packaging  
Stewardship Review

**MANAGING WASTE RESPONSIBLY**

An information service for municipal governments

Vol 6, Issue 5, June 2006

HHW, SPECIAL WASTE

## Ontario waits for the program letter, but will the IFO be named?

Fifty days after Ontario Environment Minister Laurel Broten told Waste Diversion Ontario (WDO) she wants a stewardship program for household hazardous waste developed “in a timely manner”, the required regulation was posted for public input.

The regulation calls for a program that does not include used oil but does include what it describes as “special wastes”—those wastes not considered hazardous as such, but still requiring special management, such as latex paint.

A 30-day comment period for the draft regulation, available on the Ministry’s Environmental Registry website using the Registry Number RA06E0003 ([www.ene.gov.on.ca/envregistry/027728er.htm](http://www.ene.gov.on.ca/envregistry/027728er.htm)), expires July 10, 2006.

### MORE INPUT

In the meantime, the Minister is looking for more input before actually writing the letter to WDO that would start the program development process

and perhaps name the industry funding organization (IFO). To that end, a stakeholder meeting was to be held at the of June.

It appears there is no shortage of advice on offer, and at least one group—those who will now be paying—is trying to slow things down.

On May 30, a submission from the Association of Municipalities of Ontario, in conjunction with the Association of Municipal Recycling Coordinators, says industry should bear the responsibility for product residuals and packaging.

AMO says if a program is to be “rolled out quickly” the existing municipal HHW infrastructure should be used. AMO notes that industry funding is needed “to operate, maintain and expand, as needed”, HHW collection infrastructure and education programs.

See *Retail Council*—Page 3/6

## This is the last copy of *PPSReview* that will be faxed out

Please note, in an effort to save paper, group-faxing of this newsletter **will be discontinued** later this year. The email version will however still be available—see below, and those who currently receive it via email will continue to do so . If you are unable to receive email, please call (519) 823-1188 and we will fax you the newsletter directly.

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# Briefly...

## TESCO BAGS BIODEGRADABLE

Tesco, a major supermarket chain in the United Kingdom,, will introduce biodegradable plastic shopping bags this fall. Tesco's 2,000 stores hand out billions of carrier bags each year. The move is part of a larger *Tesco in the Community Plan* announced by the company May 10 that includes reducing energy use in stores, sponsoring youth soccer and encouraging shoppers to exercise before the 2012 London Olympics. *The Guardian* newspaper notes the announcement of the company's plans was made one day after supermarkets were referred to the Competition Commission for an investigation into whether they abuse their market power.

*The Guardian, May 11*  
[www.guardian.co.uk](http://www.guardian.co.uk)

## BIGGER, BETTER BILL HEADS FOR NEW YORK SENATE

On May 9, the New York State Assembly passed the Bigger, Better Bottle Bill by a vote of 91 to 45, with broad-based bipartisan support. The bill, which now goes to the Senate, would extend the current 5-cent container deposit law to include non-carbonated beverages like bottled water and iced tea. It would also require beverage companies to return the unclaimed deposits to the state to fund recycling and other environmental protection programs.

*Container Recycling Institute, May 10*  
[www.container-recycling.org](http://www.container-recycling.org)

## ICE CREAM MAKERS RARELY USED

In the United Kingdom, ice cream makers have replaced fondue sets as the least cost-effective item in the home, a study has found. They are taken out of the cupboard on average only once a month and cost \$40 for every use in the first year of ownership. Fondue sets, although used only once every two months, are cheaper and work out at \$11 a

session. The survey, conducted by the UK price comparison website pricerunner.co.uk, asked 1,500 people how often they used a range of items during the first year of ownership. It appears about \$5 billion worth of gadgets are left on the shelf only a month after being bought. An estimated 4.5 million UK residents own an ice cream maker. Among the other rarely used appliances were foot spas, which average two uses a month, exercise bikes and games consoles, which are used only 10 times a month after an initial high of 20.

*Resource Recovery Forum, April 28*  
[www.resourcesnotwaste.org](http://www.resourcesnotwaste.org)

## GUM CAMPAIGN BEGINS IN THE UK

The first of a series of educational campaigns from the British Government designed to reduce gum litter was launched in May. This summer, 15 councils will be running campaigns across the country, courtesy of funding for advertising from the Chewing Gum Action Group (CGAG).\*

The campaign includes posters at street level, on buses and in bars using the slogan, "Thanks for binning your gum when you're done." The campaign aims to raise awareness of the problem of chewing gum litter, encourage responsible disposal of gum and to educate people that dropping gum is littering and that those who drop gum on the floor can be fined up to £80 (\$160). A pilot campaign last year in Preston is reported to have reduced gum litter by up to 80%. Local authorities in the UK have had powers for some time to fine people for dropping gum through the Environmental Protection Act (1990). In April 2006, fines for dropping chewing gum were raised to a maximum of £80 under the Clean Neighbourhoods and Environment Act. The Chewing Gum Action Group was formed in 2003. More information is available from the Government's website ([www.defra.gov.uk/news/2006/060302b.htm](http://www.defra.gov.uk/news/2006/060302b.htm)).

*Resource Recovery Forum, May 10*  
[www.resourcesnotwaste.org](http://www.resourcesnotwaste.org)

**Product & Packaging Stewardship Review** is published by Ben Bennett Communications as part of the Fair Comment Project. It is faxed or emailed to municipalities as a communications service aimed at providing a broad range of stewardship and associated information from Canada, the United States and overseas.

The current issue of PPSReview, and past issues, are available for viewing on the Internet ([www.productstewardship.org](http://www.productstewardship.org)).

Anyone wishing to support the Fair Comment Project may email Ben Bennett ([bbc@albedo.net](mailto:bbc@albedo.net)). Confidentiality is guaranteed.

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# AMO task force calls for deposits on LCBO bottles and over-sized jugs

A proposal from the Association of Municipalities of Ontario (AMO) Waste Management Task Force is recommending the introduction of a deposit system for liquor and wine bottles to improve recovery and to make better use of glass bottles. The report, *Improving the Efficiency of the Blue Program*, was prepared in June.

It notes there are a number of constraints to improving efficiency, one of them being Regulation 101/94 that dictates which materials municipal recycling programs must collect.

Markets for glass, a mandatory

material, have always been “extremely particular” and the move toward two- and single-stream collection, aimed at reducing costs, has resulted in a lower-value material coming out of the material recovery facility (MRF). There are also ongoing problems with contamination of other material streams and extra maintenance requirements from the abrasive nature of broken glass in the plant.

Very little of the glass recovered at the curb is now sent for the manufacture of new glass containers, resulting in domestic glass container makers having

to import cullet from out of the province. Only 7,100 tonnes of coloured glass, for example, was sent for the manufacture of new bottles.

The AMO report calls for the LCBO to source separate not just glass, but also PET bottles, aluminum cans and aseptic containers “so that the materials can be recycled for the highest and best use”.

## USE THE LEVY

The Province could use the revenue from the environmental levy of 10 cents on every non-refillable LCBO container sold to be used to set up the program and offset any revenue shortfall.

It recommends the removal of glass bottles from the recycling regulation (101/94).

The report also targets oversize PET containers and other new packaging that challenges the goal of efficiency at the curb.

All beverage containers more than 4 litres in capacity, be they plastic, steel, glass or aluminum, should be sold only through a deposit system, with the manufacturer or first importer responsible for 100% of the cost of managing those containers.

The report also recommends that any new container introduced into the Ontario market place should be subject to a life-cycle analysis to determine the environmental and economic impact of that container on the recycling system, and appropriate measures taken to address any detrimental impacts.

## Retail Council says use a competitive process to find an HHW IFO

From Page 1/6

AMO says the Province should recognize the principle of Extended Producer Responsibility and Design for the Environment “place the responsibility for product residuals and packaging on industry”.

AMO points out it is vital for the WDO to receive “sustainable funding and full authority” to develop a program and “the necessary policy and approval support” from the Province.

On May 5, Retail Council of Canada (RCC) CEO Diane Brisebois wrote to the Minister saying its members, as stewards, should develop “the governance structure, operational system and revenue structure” of any new HHW and special waste program.

Such a model would allow the stewards to create their own industry funding organization, rather than working with an existing IFO, Ms Brisebois said.

“RCC and its members are concerned the Ministry is attempting to accelerate the development and implementation of an HHSW program for Ontario.

The council says it has heard

“anecdotally” that the ministry is looking at naming an IFO in the program request letter, “as opposed to engaging in an open and transparent competitive bid process.”

“Several stewardship organizations have extensive experience and knowledge” and should be allowed to submit a program plan for the Minister’s consideration.”

Designating an IFO in the program letter may not mean a speedier program development and could “send a negative message to certain stewards who may think they are being excluded from the IFO development process”.

This could actually lead to delay in finalizing a program as “these stewards may lobby the Ministry and advocate for their inclusion in the process.”

The RCC also wants to be sure that there is time for stewards to “fully digest any program plan, budget for it and take the necessary steps to prepare their respective organizations for compliance”

The RCC is calling for a visible “eco fee” to cover costs and wants to be part of the development and implementation of the HHSW plan.

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# British Columbia's top court dismisses lawsuit against Encorp

A class action lawsuit launched 18 months ago by the Consumers Association of Canada case against Encorp Pacific and other brand owners has been dismissed in its entirety.

The Consumers' Association was alleging deposits collected from consumers can only be used for one thing – paying refunds to consumers when containers are brought back. It claimed that since 1998 the industry has collected and used more than \$70-million in consumer deposits for purposes “that are not authorized under the regulation.”

It was also claimed the container recycling fee (CRF), introduced in 1999 was illegal.

In her decision, dated June 2, Madam Justice Russell of the Supreme Court of British Columbia found there was no trust created, the CRF is not illegal.

The failure of the two primary claims “largely disposes of the ancillary claims.”

Madam Justice Russell said the Consumers Association failed to provide any evidence that the CRF could have deceived a consumer into thinking the CRF was a government

levy, and provided no evidence that there was a discrepancy between the price of the product displayed at the shelf versus the price charged at the till “that could have the capability,

tendency, or effect of deceiving or misleading a consumer.”

The judge invited both plaintiffs and defendants to make written submissions on the awarding of costs.

## Saskatchewan, BC electronic waste programs move ahead

Electronics Product Stewardship Canada (EPSC) has been given approval to operate, with its partner Product Care, the province's new electronic waste stewardship program by the Government of Saskatchewan.

EPSC received the formal approval to operate the program on May 24 from Saskatchewan Minister of Environment John Nilson.

In the meantime, Encorp Pacific has been named as local program management partner for EPSC's electronic waste stewardship initiative in British Columbia.

Speaking at the Recycling Council of British Columbia's annual conference at the Sun Peaks Resort near Kamloops, EPSC president Dave Betts said the selection was made through an

evaluation of requests for proposals (RFPs) by a committee comprising manufacturer and retail representatives. A similar RFP process was used by EPSC in Saskatchewan.

In B.C., Encorp Pacific will report to a not-for-profit corporation expressly set up to manage electronic waste stewardship in the province and will act as a contractor to the organization. The board of directors of the corporation will consist primarily of obligated stewards. The next steps involve creation of the stewardship plan for consideration by stakeholders, submitting the plan to the government, and incorporating the not-for-profit entity.

## Municipalities continue to wrestle with best practices definitions for determining funding criteria

In 2008, the payments for Ontario municipal recycling programs from stewards will be based on the implementation of best practices, starting with the operational year 2006.

Consultations on what constitute best practices and how they should be applied to funding the blue box began this summer and continue in September.

Sessions have been scheduled for September 7 at Toronto City Hall and for September 29 in London (location to be confirmed).

Funded by Stewardship Ontario's Effectiveness and Efficiency Fund and organized by the Association of

Municipal Recycling Coordinators, the first session was held in Ottawa, June 2. Feedback from those attending the Ottawa session showed there are many variables affecting municipal recycling programs and what might be considered a best practice in one program may not necessarily translate to another. Geographic locations and population size are also critical factors.

A second session is scheduled for June 27 in Sudbury.

The consultation sessions, which include webcasts, are designed to provide an opportunity for program

operators to hear what is being proposed and to discuss how best practices might be assessed and applied.

For more information visit the AMRC website ([www.amrc.ca/bp.html](http://www.amrc.ca/bp.html)).

## Broten replies to Peel on 15-litre water bottles issue —well, sort of...

Ontario's Environment Minister is not ruling out the take-back option for problem containers but the Province is still very heavily focused on the blue box.

This is the message Minister Laurel Broten had for Peel Region Chair Emil Kolb in response to the region's concerns about new 15-litre polyethylene-terephthalate (PET) water bottles that are causing problems with recycling programs (*PPSReview* April 2006).

In March, Peel Regional Council passed a resolution urging the Province to make bottled water companies pay 100% of the costs of managing oversized PET water jugs appearing in municipal recycling and waste systems or be required to use a deposit-return system.

While the 15-litre jugs are made from a material that is eminently recyclable, their size causes problems at the curb with blue boxes and trucks filling up more quickly. As well, many recycling plants are not designed for containers of this size and the jugs often end up in residue streams.

In what appears to be a form letter adapted to address the question, the Minister says while deposit-return programs have not been developed in Ontario "due in part to the success of the Blue Box program," this does not preclude consideration of a deposit-return system "for specific containers that are not easily recycled."

Large opaque blue polycarbonate bottles used in water coolers have in fact for many years been sold with a deposit and returned to the retailer for reuse. They have never been part of the curbside recycling program supported by taxpayers and now, in part, by stewards.

## TIRES

### OTS going "into hibernation" —RAC newsletter

Don't expect any activity on tire stewardship in Ontario until the after the next provincial election.

This is the message the Rubber Association of Canada brought to its members in its May newsletter.

In a cover story titled *Scrap Tires: no birth of a program, just labour pains*, it says Ontario Tire Stewardship, the industry funding organization set up to develop the scrap tire plan that was put on hold by the province's environment minister Laurel Broten April 20, "is effectively in hibernation".

OTS will continue to meet its legal obligations as a not-for-profit entity, such as holding its annual meeting later this year. The OTS website has not been updated since March 2005.

The Minister's decision was "not unexpected", says the

## COMING EVENTS

### August 13-16

Association of Municipalities of Ontario  
Annual Conference  
Ottawa, ON  
(416) 791-9856, Ext. 330  
amo.on.ca

### September 7

AMRC Best Practices consultation session,  
Toronto, ON  
(519) 823-1990  
www.amrc.ca

### September 13-15

The Composting Council of Canada 16th Annual  
National Conference,  
"The Possibilities Are Endless..Compost!"  
Hamilton, ON  
416-535-0240  
www.compost.org

### September 29

AMRC Best Practices consultation session,  
London, ON  
(519) 823-1990  
www.amrc.ca

### October 1-4

AMO 2006 Counties, Regions and Single-Tier  
Municipalities Conference  
Haliburton, ON  
(416) 791-9856  
amo.on.ca

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# Opinion Piece

The opinions expressed in this column are not necessarily those of PPSReview

## The inefficiency of the sow's ear

by Jay Arthur

Dear Mr. Premier

I know you and your environment minister are kind of busy with all the fallout (pardon the pun) from the nuclear power go-ahead-without-a-proper-EA decision, but I would like to draw your attention to something on the waste front.

I would have addressed this to the environment minister directly, but we are getting the impression that all decisions of any consequence are coming from your office, and the problem really lies with the legislation, anyway. It has merely been compounded by the personnel changes, both at the cabinet table and at the top in the environment ministry bureaucracy.

The good thing is that you can blame the Tories. The legislation was developed on their watch after all, and with the front entranceway of the ministry being refitted with a revolving door during the Tory years at Queen's Park, it has become pretty clear *no one* was watching.

As a result, we have what can best be described as a sow's ear of a Waste Diversion Act that two (so far) Liberal ministers have attempted to turn into a silk purse. It can't be done.

But what really rankles is that now we have all this talk about best practices being used as funding criteria, which effectively sets one program against another in the fight for industry dollars.

And to add insult to injury, the previous minister's push for reasonable costs means 2006 will be used as the year by which municipal "efficiency" will be judged.

Here's where the irony kicks in.

Try telling anyone that the current system itself is not efficient and it is tantamount to sacrilege.

Part of the reason for that is the lack

of efficiency in the design of the sow's ear. Any system with payment based on recovered tonnage is going to be biased toward heavy materials.

Find another (and better) way to collect one of those materials and you decrease the recovered tonnage. Not good; the numbers would appear to be going down.

**"But what really rankles is that now we have all this talk about best practices being used as funding criteria, which effectively sets one program against another in the fight for industry dollars."**

Conversely, if you added a heavy material, the tonnage would go up, self-congratulatory press releases could be issued, speeches could be given about what a great program it is and everyone would be happy. Not really.

So what if the beer guys, for example, said to heck with the deposit system and told everyone to throw their beer bottles in the blue box. Why should the Beer Store pay for all of the cost of recovering its containers when the other guys (the liquor board comes to mind) only has to pay half—and then only on what is recovered (another design flaw in the sow's ear).

The result would be a huge increase in recovered tonnages, and a whole bunch of extra, broken coloured glass that we would have to find a market for that we could honestly describe as "recycling". We might even spend millions of dollars on market research.

The Association of Municipalities of Ontario is well aware of the troubles with glass of course, and for years has been calling for a better way to handle that material in general and booze bottles in particular.

The chances of the brewers giving

up a on system for which they enjoy great kudos and a lot of credibility in stewardship arguments are likely pretty slim, but the same thing is already happening in the bottled water industry.

One company has figured out it can sell its 15-litre water bottles for less if it dumps the deposit and lets the municipal system handle the empties. It

also means it only pays half of the cost because of the largest flaw in the sow's ear design—the fact it only covers half the cost and only covers what is recovered and successfully marketed in the blue box.

The supreme irony of course is that if the Province had the intestinal fortitude to adopt the better way to recover

glass (and we all know how to do that even if few will admit it, out of deference to the sow's ear) the efficiencies would improve, the contamination would decrease and the revenues would increase.

Oh, and by the way, overall recovery rates would improve, too.

### **A WEEE mistake:**

*In my April column I suggested CSR had been "given the nod" on electronics, implying the organization has been named as the industry funding organization (and was thus a good bet for the HHW IFO. This was wrong. What CSR got was a research contract. We are still waiting to see who the IFO will be for electronics.*

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